

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11/08/2004

CORAM

THE HONBLE MR.JUSTICE M.CHOCKALINGAM

W.P.NO.569 OF 2001

C.Santhi ... Petitioner

-Vs-

1.The Corespondent
C.M.S. Evangelica Suvi
Memorial Hr.Sec. School,
Karisal, Ambasamudram Taluk,
Tirunelveli District.

2. The Chief Educational officer
Kokkirakulam, Tirunelveli District.

3. The District Educational officer,
Cheranmahadevi at Tirunelveli. ... Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of Mandamus as stated therein.

For petitioner: Mr.P.Peppin Fernando

For Respondent No.1: Mr.C.Selvaraj

For Respondents: Mr.P.Rathinavel
2 & 3 Government Advocate

:ORDER

This writ petition is brought forth by the petitioner seeking for the
issue of a writ of Mandamus directing the respondents to pay the salary of the
petitioner from 14-6-2000 to 8-10-2000 with interest at 12% from 8-10-2000
till the date of payment.

2. The petitioner who was serving as a Secondary Grade

Teacher was appointed in the first respondent school on 5.3.1998 in the scale of pay of Rs.1200-30-1560-40-2040. While so, the first respondent sent a notice on 14.6.2000, placing the petitioner under suspension. Challenging the same, the petitioner filed a writ petition in W.P.No.14875 of 2000 to quash the suspension order. When the writ petition was pending, the first respondent revoked the suspension order on 14.6.2000 by his letter dated 28.9.2000. Subsequently, pursuant to the same, the petitioner joined duty on 5.10.2000. As per her letter dated 5.10.2000, the petitioner sent a representation to the first respondent regarding the payment of salary from 14.6.2000 to 4.10.2000, viz., the suspension period. The first respondent, while keeping the same pending, passed an order of termination terminating the services of the petitioner from 30-10-2000. Against the said termination order, the petitioner has filed a writ petition in W.P.No.18932 of 2000 questioning the termination.

3.Now the petitioner has come forward seeking a direction to the respondents for payment of salary for the suspension period viz., from 14.6.2000 to 8.10.2000. At this juncture, it has to be pointed out that even the writ petition challenging the suspension in W.P.No.14875 of 2000 was given a disposal only in view of the revocation of suspension by the Management. In such circumstances, even the termination order which is being the subject matter in W.P.No.18932 of 2000 cannot be an answer for the respondents in putting forth their defence not to make the payment of salary for the period of suspension from 14.6 .2000 to 8.10.2000.

4.Hence the Court is of the considered opinion that it is a fit case where the writ has got to be ordered directing the respondents to make the payment of salary from 14.6.2000 to 8.10.2000 to the petitioner.

5.Learned counsel for the first respondent would submit that necessary communication has already been forwarded to respondents 2 & 3 and hence in such circumstances, a direction has got to be issued to respondents 2 & 3 to pay the salary for the said suspension period within a period of two months here from .

6.This Court is of the considered view that the claim of interest on the salary cannot be considered and therefore, this part of the prayer in the writ petition is rejected. In other respects, the writ petition is ordered and the respondents 2 & 3 are directed to make payment of the salary for the suspension period from 14.6.2000 to 8.10.2 000 within a period of two months here from. No costs.

Index :Yes
Internet;Yes
VJY

